

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

Felix RUBIO HERNANDEZ,

Plaintiff,

v.

U.S. CITIZENSHIP AND IMMIGRATION
SERVICES; Alejandro MAYORKAS,
Secretary of Homeland Security; Ur M.
JADDOU, Director, U.S. Citizenship and
Immigration Services,

Defendants.

Case No. 2:22-cv-00904-MJP

**STIPULATED MOTION AND ORDER
TO PRODUCE ADMINISTRATIVE
RECORD AND SET BRIEFING
DEADLINES**

Noting Date: January 25, 2023

Pursuant to Local Civil Rule 7(d)(1), Plaintiff Felix Rubio Hernandez and Defendants U.S. Citizenship and Immigration Services, Alejandro Mayorkas, and Ur M. Jaddou stipulate and request that the Court enter an order setting deadlines to produce the administrative record and to exchange cross-motions for summary judgment.

The parties agree that the initial disclosure requirements of Rule 26(a)(1) and the requirements of Rule 26(f), which instructs the parties to prepare a discovery plan, do not apply to this case. Plaintiff filed his complaint under the Administrative Procedure Act, and accordingly, Defendants agree to produce to Plaintiff the administrative record on which the agency decision was based. *See* 5 U.S.C. § 706; *see also* *Nw. Coal. for Alternatives to Pesticides*

v. *U.S. E.P.A.*, 920 F. Supp. 2d 1168, 1172 (W.D. Wash. 2013).¹ Furthermore, because the Court will render any decision on the administrative record, the parties agree that no trial or pre-trial scheduling dates are necessary and that the Court can resolve the matter based on the record. *See Nw. Motorcycle Ass'n v. U.S. Dep't of Agric.*, 18 F.3d 1468, 1472 (9th Cir. 1994).

Accordingly, the parties propose the following schedule:

Defendants' deadline for producing the administrative record:

March 3, 2023

Schedule for cross-motions for summary judgment:

Plaintiff's motion for summary judgment: May 12, 2023

Defendants' response and cross-motion for summary judgment: June 9, 2023

Plaintiff's response to Defendants' cross-motion for summary judgment and reply in support of motion for summary judgment: July 7, 2023

Defendants' reply in support of cross-motion for summary judgment: July 21, 2023.

Respectfully submitted this 25th day of January, 2023.

s/ Matt Adams

Matt Adams, WSBA No. 28287

s/ Aaron Korthuis

Aaron Korthuis, WSBA No. 53974

s/ Michael Hur

Michael Hur, WSBA No. 59084

s/ Mozhdeh Oskouian

Mozhdeh Oskouian, WSBA No. 36789

mozhdeh@nwirp.org

¹ Plaintiff reserves the right to seek a complete administrative record or move for discovery if he believes the record is incomplete or another exception permitting discovery in an APA case applies. *See Lands Council v. Powell*, 395 F.3d 1019, 1030 (9th Cir. 2005).

1 s/ Glenda M. Aldana Madrid

2 Glenda M. Aldana Madrid, WSBA No. 46987
3 glenda@nwirp.org

4 Northwest Immigrant Rights Project
5 615 Second Ave., Ste 400
6 Seattle, WA 98104
7 (206) 957-8611

8 *Attorneys for Plaintiff*

9 s/ Nickolas Bohl

10 NICKOLAS BOHL, WSBA No. 48978
11 Assistant United States Attorney
12 Western District of Washington
13 United States Attorney's Office
14 700 Stewart Street, Suite 5220
15 Seattle, Washington 98101-1271
16 Phone: 206-553-7970
17 Email: nickolas.bohl@usdoj.gov

18 *Attorney for Defendants*

ORDER

Pursuant to the Parties' stipulated motion, the Court hereby ORDERS that the Court's order regarding initial disclosures, joint status report, and early settlement, Dkt. 4, is hereby vacated. The Court orders the following deadlines for production of the administrative record and the exchange of cross-motions for summary judgment:

Defendants' deadline for producing the administrative record:

March 3, 2023

Schedule for cross-motions for summary judgment:

Plaintiff's motion for summary judgment: May 12, 2023

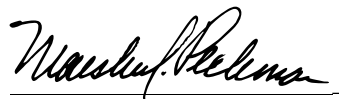
Defendants' response and cross-motion for summary judgment: June 9, 2023

Plaintiff's response to Defendants' cross-motion for summary judgment and reply in support of motion for summary judgment: July 7, 2023

Defendants' reply in support of cross-motion for summary judgment: July 21, 2023.

IT IS SO ORDERED.

Dated this 27th day of January, 2023.



Marsha J. Pechman
United States Senior District Judge

CERTIFICATE OF SERVICE

I hereby certify that on January 25, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to those attorneys of record registered on the CM/ECF system.

DATED this 25th day of January, 2023.

s/ Aaron Korthuis

Aaron Korthuis
Northwest Immigrant Rights Project
615 Second Avenue, Suite 400
Seattle, WA 98104
(206) 816-3872
(206) 587-4025 (fax)
aaron@nwirp.org